

INITIAL STATEMENT OF REASONS

Amend Commission Regulation 1052

The Commission on Peace Officer Standards and Training (POST) proposes to amend Regulation 1052 – Requirement for Course Certification to address the following changes to:

- add a requirement that injuries requiring more than basic first aid be reported to POST
- add a requirement to include a revision date in Expanded Course Outlines (ECOs)
- add a requirement to include contact information for each training site for both in-service and basic academy courses
- add a requirement that the Academy Director and Academy Coordinator have sworn, full-time, first-level supervisory experience
- add a requirement that Recruit Training Officers have full-time law enforcement experience
- add a requirement that the Academy Director, Academy Coordinator, and Recruit Training Officer are independent positions held by separate individuals.

Justification for Proposed Revisions

In a course involving manipulative skills, the course shall include a formal written safety policy. Section 1.6.2 of the *POST Guidelines for Student Safety in Certified Courses 2007* states, “Presenters are encouraged to collect appropriate statistics regarding injury trends or experiences and exchange this information with other presenters and POST.” While presenters are *encouraged* to exchange information regarding training related injuries, there is no requirement to report said injuries to POST. The amended language will ensure not only that training will at all times be conducted in a manner that is designed to minimize the risk of injury and promote safety but also that a POST Regional Consultant is properly notified in writing within five (5) business days when an injury requiring more than basic first aid has occurred. This allows presenters one full business week to make a notification, in the event the injury occurs during off hours or the responsible party requires additional time to gather all pertinent information for reporting purposes. The information related to reported injuries will also provide POST staff with the data needed to evaluate injury reports and identify possible related trends.

The Expanded Course Outline (ECO) document of a course certification package requires specific information such as presenter name and number, course title, and page number. Because it is not a requirement to include a revision date (the date the presenter reviewed and updated the ECO), very few presenters include this information. POST staff recommends that presenters add a revision date as a best practice, but there is often hesitation or resistance because there is no requirement to do so. This can present a problem when there are questions about the correctness or contemporary nature of the content in the ECO. Also, the lack of revision information can be problematic in court and when responding to California Public Records Act (CPRA) requests. The amended language will add a requirement to include a revision date in the footer of the ECO near the page number.

Both in-service and basic academy course safety policies must include the name, location, and phone number of the nearest emergency medical facility for each training site. However, there is no requirement to include the address, phone number, and name of a contact person for each of the training sites listed in the safety policy. By requiring the address, phone number, and contact person for *each training site*, it would reinforce the importance of student safety, proper documentation, and timely injury reporting. It also allows POST staff to identify possible discrepancies between locations listed in the course certification materials and in the courses Safety Policy.

The California Code of Regulations §1001 defines “First-level Supervisory Position” as the “*supervisory peace officer position between the operational level and the ‘middle management position,’ for which*

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commensurate pay is authorized, and is responsible principally for the direct supervision of subordinates or is subject to assignment of such responsibilities. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions. The first-level supervisory position is most commonly the rank of sergeant.” The Academy Director and Academy Coordinator are not currently required to possess sworn, full-time, first-level supervisory experience. These positions oversee the training of future peace officers and are considered to be management and supervisory positions, respectively. As such, it would be prudent to require individuals appointed to the positions of Academy Director and Academy Coordinator to have prior experience as a sworn, full-time, first-level supervisor.

In addition, Recruit Training Officers are not currently required to have sworn, full-time law enforcement experience. This omission has led to presenters appointing individuals as Recruit Training Officers who do not have the appropriate first-hand experience to prepare recruits for the challenges that come with working in law enforcement. Requiring Recruit Training Officers to have sworn, full-time law enforcement experience will ensure academy recruits are receiving the most appropriate training.

Some presenters of the Basic Course have implemented policies that allow for a single individual to be assigned to the roles of an Academy Director, Academy Coordinator, and Recruit Training Officer. This negatively affects the program and hinders the success of the students as each of the above listed roles has its own independent function and job responsibilities. The proposed regulation amendment will require that the Academy Director, Academy Coordinator, and the Recruit Training Officer be assigned to separate individuals.

Regulation 1052, Requirements of Course Certification

(a)(9)(D)1. – The proposed revision is necessary to guarantee training is designed to minimize any risk of injury and to promote student and instructor safety.

(a)(9)(D)2. – The proposed revision is necessary to require an injury to be reported to a POST Regional Consultant within five (5) business days.

(b)(3) – The proposed revision is necessary to add a revision date to Expanded Course Outlines for both Certification I and Certification II courses.

(b)(5)(D) – Adding new section (D); the proposed revision is necessary to add the address, phone number, and contact person for each training site of a specified course in their safety policy.

(f)(2)(E)(D) – Re-lettering existing (f)(2)(E)(D) ~~Name, location, and phone number of nearest emergency medical facility for each training site~~ to (f)(2)(E)(D) Address, phone number, and contact person for each training site.

(f)(2)(E)(E) – Adding new section (E); the proposed revision is necessary to add in the Safety Policy of a basic course [Regular Basic Course (standard and modular), Specialized Investigators’ Basic Course, Public Safety Dispatchers’ Basic Course, PC 832 Arrest and Firearms Course, and the Requalification Course] the address, phone number, and contact person for each training site.

(f)(3) – The proposed revision is necessary to add that any academy director appointed on or after April 1, 2020, the date on which this amendment will become effective, shall have sworn, full-time first-level supervisory experience.

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(f)(4) – The proposed revision is necessary to add that any academy coordinator appointed on or after April 1, 2020, the date on which this amendment will become effective, shall have sworn, full-time first-level supervisory experience.

(f)(5) – The proposed revision is necessary to add that any modular format coordinator appointed on or after April 1, 2020, the date on which this amendment will become effective, shall have sworn, full-time first-level supervisory experience.

(f)(7) – The proposed revision is necessary to add that any recruit training officer appointed on or after April 1, 2020, the date on which this amendment will become effective, shall have sworn, full-time law enforcement experience.

(f)(8) – Adding new section (8); the proposed revision is necessary to establish the positions of academy director, academy coordinator, and recruit training officer as independent positions to be held by separate individuals.

(f)(~~8~~)(9) – Renumbering existing (f)(8) to (f)(9)

(f)(~~9~~)(10) – Renumbering existing (f)(9) to (f)(10)

(f)(~~10~~)(11) – Renumbering existing (f)(10) to (f)(11)

(f)(~~11~~)(12) – Renumbering existing (f)(11) to (f)(12)

(f)(~~12~~)(13) – Renumbering existing (f)(12) to (f)(13)

(f)(~~13~~)(14) – Renumbering existing (f)(13) to (f)(14)

(g) – The proposed revision is necessary to replace the reference to POST Administrative Manual (PAM) to now reflect Training Procedure.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

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The Commission determined that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons that the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Benefits Anticipated

The specific benefits anticipated by the proposed amendment to the regulations will add clarity to the regulations and will guarantee training safety is promoted; provide updated information in Expanded Course Outlines by including revision dates; provide contact information for all training locations; add qualifications to the positions of Academy Director, Academy Coordinator, and Recruit Training Officer to require first-level supervisory experience for an Academy Director and Academy Coordinator, require sworn full-time experience for an Academy Director, Academy Coordinator, and Recruit Training Officer; and finally require that all three (3) of the above positions be assigned to separate individuals.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on POST sets law enforcement selection and training standards for its member law enforcement agencies. Participation in POST programs, and adherence to POST regulations, is voluntary and limited to law enforcement agencies that are governmental entities. The proposed regulatory revisions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Assessment:

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Benefits of the Regulation:

The benefits of proposed amendments to the regulation will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.